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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,204	06/12/2001	Michael D. Camras	M-8633-1P US	6136
32566	7590	04/21/2004	EXAMINER	
PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			FORDE, REMMON R	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,204

Applicant(s)

CAMRAS ET AL.

Examiner

Remmon R. Fordé

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-44, 63-80 and 82-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 14-44 and 63-79 is/are allowed.
- 6) ☒ Claim(s) 80 and 82-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/03/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/31/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 80 and 82-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Okazaki et al..

Regarding claims 80 and 82, referencing Figures 9 and 10, Okazaki et al. discloses a light emitting device having a stack of layers (1-4) including semiconductor layers provided with an active region (3), an optical element (20/22) bonded to the stack, the optical element being made of lead oxide (Column 10, lines 59-61); and a first contact (5) and a second contact (6) electrically coupled to apply a voltage across the active region; wherein the stack of layers comprises at least one III-Phosphide semiconductor layer (Column 13, lines 4-14) and the first contact and the second contact are disposed on a same side of the stack. (Column 10, line 11 – Column 13, line 27.)

Regarding claim 83, referencing Figures 9 and 10, Okazaki et al. further discloses that the stack of layers (1-4) can also comprise at least one III-Nitride semiconductor layer. (Column 13, lines 4-14.)

Regarding claim 84, referencing Figures 9 and 10, Okazaki et al. further discloses that the stack (1-4) be provided with a transparent substrate (1), and that the optical element is bonded to a surface of the transparent substrate. (Column 11, lines 30-33.)

Allowable Subject Matter

Claims 1-12, 14-44 and 63-79 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites a light emitting device structure including the specific structural limitations of providing a transparent optical element bonded to the stack by a bond at an interface disposed between the optical element and the stack, wherein the optical element is bonded to a surface of the stack, and wherein a smallest ratio of a length of a base of the optical element to a length of the surface is greater than one. The abovementioned structural limitations are neither anticipated by nor obvious over the prior art of record. Likewise, claims 2-12, 14-31, 33-44, 63 and 64 are also allowable as being dependent upon allowable claim 1.

Claim 32 recites a light emitting device structure including the specific structural limitations of providing a transparent optical element bonded to the stack by a bond at an interface disposed between the optical element and the stack, and a transparent bonding layer comprising a material different from a material forming the optical element, the transparent bonding layer being disposed between the optical element and a surface of the stack and bonding the optical element to the stack. The abovementioned structural limitations are neither anticipated by nor obvious over the prior art of record. Likewise, claims 65-79 are also allowable as being dependent upon allowable claim 32.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Remmon R. Fordé whose telephone number is (571) 272-1916. The examiner can normally be reached on Monday-Thursday (8:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Remmon R. Fordé

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

